

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: FIELDWOOD ENERGY, LLC, <i>et al.</i>, Debtors.¹	§ Chapter 11 § § Case No. 20-33948 (MI) § § (Jointly Administered)
--	---

**JOINDER AND RESERVATION OF RIGHTS REGARDING HCC
INTERNATIONAL INSURANCE COMPANY PLC'S
EMERGENCY MOTION IN LIMINE**

BP Exploration & Production Inc. ("BP"), files this joinder and reservation of rights with respect to *HCC International Insurance Company PLC's Emergency Motion in Limine* [Docket No. 1559] (the "Emergency Motion in Limine") and in support thereof, BP states as follows:

1. BP hereby joins HCC International Insurance Company, PLC's request that lay witnesses not be permitted to provide expert testimony at the confirmation hearing for largely the same reasons set forth in the Emergency Motion in Limine.

2. BP notes that under the facts of these cases, the feasibility of the Plan involves complex analyses about future events that are not proper subjects of lay testimony because such testimony would necessarily be based upon "scientific, technical, or other specialized knowledge" that is within the scope of Federal Rule of Evidence 702. *See* FED. R. EVID. 701(c); *see also* FED. R. BANK. P. 9017.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Fieldwood Energy LLC (6778), Fieldwood Energy Inc. (4991), Fieldwood Onshore LLC (3489), Fieldwood SD Offshore LLC (8786), Fieldwood Energy Offshore LLC (4494), Fieldwood Offshore LLC (2930), GOM Shelf LLC (8107), FW GOM Pipeline, Inc. (8440), Galveston Bay Procession LLC (5703), Galveston Bay Procession LLC (0422), Fieldwood Energy SP LLC (1971), Dynamic Offshore Resources NS, LLC (0158), Bandon Oil and Gas, LP (9266), and Bandon Oil and Gas GP, LLC (9172). The Debtors' primary mailing address is 2000 W. Sam Houston Parkway S., Suite 1200, Houston, TX 77042.

3. BP will be prejudiced if Debtors are permitted to provide expert testimony on feasibility because BP either (1) has not had the opportunity to depose that witness or (2) was not on notice that the witness would be providing expert testimony on the relevant topic(s) when BP had an opportunity to depose that witness.

4. Most troublesome is the fact that Debtors have taken, and continue to take, the position that a traditional feasibility analysis is not necessary, *see* Debtors' Memorandum in Support of Confirmation, Paragraph 6 [Dkt. 1553], only to have Mr. Dane attempt to offer cursory expert testimony regarding feasibility. *See* Michael Dane Declaration, Paragraph 94 [Dkt. 1558]. If Debtors believe that a traditional feasibility analysis is not necessary, Debtors should stand on their legal argument(s) and not attempt to have Mr. Dane testify on expert matters for which he was never disclosed.

5. BP reserves and preserves all rights with respect to these bankruptcy cases, all rights under any contracts and operating agreements, all rights related to any notices of assumption and cure, and all rights with respect to any claim it may assert or has asserted in this case, including, but not limited to, administrative or priority claims that may arise, rights of setoff and subrogation, and claims for adequate protection to which it may be entitled, and all other rights in this case.

Wherefore, BP respectfully requests that this Court grant the Emergency Motion in Limine and such other and further relief to which BP may be entitled at law or in equity.

Dated: June 16, 2021

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: /s/ Shari L. Heyen

Shari L. Heyen

Texas State Bar Number 09564750

HeyenS@gtlaw.com

Karl D. Burrer

Texas State Bar Number 24043584

BurrerK@gtlaw.com

Nicole S. Bakare

Texas State Bar Number 24056017

BakareN@gtlaw.com

1000 Louisiana Street, Suite 1700

Houston, Texas 77002

Telephone: (713) 374-3500

Facsimile: (713) 374-3505

– and –

Craig A. Duewall (admitted *pro hac vice*)

Texas State Bar Number 24025334

DuewallC@gtlaw.com

300 West 6th Street, Suite 2050

Austin, Texas 78701

Telephone: (512) 320-7200

Facsimile: (512) 320-7210

– and –

GREENBERG TRAURIG, P.A.

John B. Hutton (admitted *pro hac vice*)

HuttonJ@gtlaw.com

333 SE 2nd Avenue, Suite 4400

Miami, Florida 33131

Telephone: (305) 579-0500

Facsimile: (305) 579-0717

Counsel for BP Exploration & Production Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 16, 2021, I caused a copy of the foregoing to be served on all parties eligible to receive service through the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas by electronic mail.

By: /s/ Karl D. Burrer

Karl D. Burrer